

AN ORDINANCE      100327

ADDING A PROPOSITION TO THE BALLOT FOR THE SPECIAL ELECTION TO BE HELD ON MAY 7, 2005, IN ACCORDANCE WITH CHAPTER 334, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED, AND OTHER APPLICABLE LAW, ON THE QUESTION OF IMPLEMENTING AND APPROVING CITY COUNCIL RESOLUTION NO. 2004-29-25 WHICH DESIGNATES, AND PROVIDES FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION, OR RENOVATION OF, AND THE METHOD OF FINANCING FOR, THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT, WHICH INCLUDES THE ACQUISITION OF OPEN SPACE AND LINEAR PARKS ALONG LEON CREEK, SALADO CREEK, MEDINA RIVER AND SAN ANTONIO RIVER, AND FOR IMPROVEMENTS AND ADDITIONS TO THE MUNICIPAL PARKS AND RECREATION SYSTEM; PROVIDING FOR AN EFFECTIVE DATE; AND AMENDING ORDINANCE NO. 99608 IN ACCORDANCE HERewith.

\* \* \* \* \*

**WHEREAS**, the City Council of the City of San Antonio, Texas ("City Council") desires to provide for the planning, acquisition, establishment, development, construction or renovation of a venue project ("Venue Project") as authorized by, and defined in, Chapter 334, Texas Local Government Code, as amended ("Chapter 334"), which includes the acquisition of open space and linear parks along Leon Creek, Salado Creek, Medina River and San Antonio River, and for improvements and additions to the Municipal Parks and Recreation System; and

**WHEREAS**, if the Venue Project described herein is approved by the voters, the City may use money received from the sales and use tax approved by the voters to reimburse or pay the costs of planning, acquiring, establishing, developing, constructing, or renovating such approved Venue Project, or pay the principal and interest on, and other costs relating to bonds or other obligations issued by the City to finance the Venue Project; and

**WHEREAS**, pursuant to the requirements of Chapter 334, Section 334.021, the City Council adopted Resolution No. 2004-29-25 on August 19, 2004, designating a Venue Project and designating the method of financing for such Venue Project; and

**WHEREAS**, Chapter 334, Section 334.024, authorizes the City to order an election on the question of approving and implementing this Resolution and approving this Venue Project and the method of financing; and

**WHEREAS**, pursuant to the requirements of Chapter 334, Section 334.022, the City, before calling such election, sent a copy of this Resolution to the State Comptroller, who has (1) performed an analysis to determine if approval and implementation of this Resolution will have a significant negative fiscal impact on state revenue, and (2) provided to the City written notice of the results of the analysis; and

**WHEREAS**, the Comptroller, by letter dated September 1, 2004, determined, and the City has received written confirmation thereof, that implementation of this Resolution will not have a significant negative impact on state revenue; and

**WHEREAS**, the City Council hereby finds that an election should be held under the authority of Chapter 334 on the question of implementing and approving this Resolution and imposing a sales and use tax for the purposes hereinafter identified; and

**WHEREAS**, Ordinance No. 99608, passed and approved by the City of San Antonio City Council on August 19, 2004, ordered a special election to be held on Saturday, May 7, 2005, on the question of approving and implementing Resolution No. 2004-27-23 which designates, and provides for the planning, acquisition, establishment, development, construction, or renovation of, and the method of financing for the *EDWARDS AQUIFER PROTECTION VENUE PROJECT*; and

**WHEREAS**, it is now necessary to amend Ordinance No. 99608 to include the *PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT* on the ballot of said special election, and to provide, as the method of financing for said Projects, a 1/8% sales and use tax, for the two Projects; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1. DATE; OFFICIAL PROPOSITIONS.** The official ballot for the special election to be held on May 7, 2005 shall be prepared in accordance with Chapter 334 and the Texas Election Code and at said election the following PROPOSITIONS shall be submitted in accordance with the law:

## **THE EDWARDS AQUIFER PROTECTION VENUE PROJECT PROPOSITION**

### **PROPOSITION NO. 1**

“Shall the City Council of the City of San Antonio, Texas, be authorized to implement Resolution No. 2004-27-23 (the “Venue Project Resolution”), which provides for the planning, acquisition, establishment, development, construction, or renovation of, and method of financing for the “**Edwards Aquifer Protection Venue Project**,” which includes the acquisition of property for a conservation easement or open-space preservation program intended to protect water in the Edwards Aquifer, and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%) (a portion of which tax shall be shared with and used for the “**Parks Development and Expansion Venue Project**” if such venue project is also approved by the voters) for the purpose of financing the “**Edwards Aquifer Protection Venue Project**” in an amount not to exceed \$90 million (including costs of issuance and interest on bonds or other obligations, if any)?”

## THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT PROPOSITION

### PROPOSITION NO. 2

"Shall the City Council of the City of San Antonio, Texas, be authorized to implement Resolution No. 2004-29-25, which provides for the planning, acquisition, establishment, development, construction, or renovation of, and method of financing for the **"Parks Development and Expansion Venue Project,"** which includes the acquisition of open space and linear parks along Leon Creek, Salado Creek, Medina River and San Antonio River, and for improvements and additions to the Municipal Parks and Recreation System, and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%) (a portion of which tax shall be shared with and used for the **"Edwards Aquifer Protection Venue Project"** if such venue project is also approved by the voters) for the purpose of financing the **"Parks Development and Expansion Venue Project"** in an amount not to exceed \$45 million (including costs of issuance and interest on bonds or other obligations, if any)?"

**SECTION 2. FORM OF BALLOTS.** The official ballots for said election shall be prepared in accordance with Chapter 334, Texas Local Government Code and the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITIONS, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

## THE EDWARDS AQUIFER PROTECTION VENUE PROJECT PROPOSITION

### PROPOSITION NO. 1

FOR }

AUTHORIZING THE CITY OF SAN ANTONIO TO PROVIDE FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION, OR RENOVATION OF THE **"EDWARDS AQUIFER PROTECTION VENUE PROJECT"** WHICH INCLUDES THE ACQUISITION OF PROPERTY FOR A CONSERVATION EASEMENT OR OPEN-SPACE PRESERVATION PROGRAM INTENDED TO PROTECT WATER IN THE EDWARDS AQUIFER, AND TO IMPOSE A SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT (1/8 OF 1%) (A PORTION OF WHICH TAX SHALL BE SHARED WITH AND USED FOR THE **"PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT"** IF SUCH VENUE PROJECT IS ALSO APPROVED BY THE VOTERS) FOR THE PURPOSE OF FINANCING THE **"EDWARDS AQUIFER PROTECTION VENUE PROJECT"** IN AN AMOUNT NOT TO EXCEED \$90 MILLION (INCLUDING COSTS OF ISSUANCE AND INTEREST ON BONDS OR OTHER OBLIGATIONS, IF ANY).

AGAINST }

## THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT PROPOSITION

### PROPOSITION NO. 2

FOR }

AUTHORIZING THE CITY OF SAN ANTONIO TO PROVIDE FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION, OR RENOVATION OF THE "**PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT**" WHICH INCLUDES THE ACQUISITION OF OPEN SPACE AND LINEAR PARKS ALONG LEON CREEK, SALADO CREEK, MEDINA RIVER AND SAN ANTONIO RIVER, AND FOR IMPROVEMENTS AND ADDITIONS TO THE MUNICIPAL PARKS AND RECREATION SYSTEM, AND TO IMPOSE A SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT (1/8 OF 1%) (A PORTION OF WHICH TAX SHALL BE SHARED WITH AND USED FOR THE "**EDWARDS AQUIFER PROTECTION VENUE PROJECT**" IF SUCH VENUE PROJECT IS ALSO APPROVED BY THE VOTERS) FOR THE PURPOSE OF FINANCING THE "**PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT**" IN AN AMOUNT NOT TO EXCEED \$45 MILLION (INCLUDING COSTS OF ISSUANCE AND INTEREST ON BONDS OR OTHER OBLIGATIONS, IF ANY).

AGAINST }

**SECTION 3. NOTICE.** (a) *Form of Notice of Election.* The City Clerk of the City of San Antonio is hereby authorized and directed to prepare a form of the Notice of Election in both English and Spanish, the contents of which comply with the requirements of Section 4.004 of the Texas Election Code (and other applicable law), and include at a minimum the nature and date of the election, the form of the propositions included in Section 1 of this Ordinance, the form of the ballot propositions included in Section 2 of this Ordinance, the location of each election day and early voting polling place, the locations, dates, and times of temporary branch locations of early voting, the hours the polls will be open, and any other information required by other law, and with such variations permitted by applicable law.

(b) *Method of Giving Notice.* Notice of said election shall be given by posting a copy of said Notice of Election, both in English and in Spanish, not later than the 21<sup>st</sup> day before the date set for said election on the bulletin board used for posting notices of the meetings of the City Council of the City. Notice of said election shall also be given by publishing said Notice of Election, both in English and in Spanish, at least once, not earlier than the 30<sup>th</sup> day or later than the 10<sup>th</sup> day before Election Day, in a newspaper of general circulation published in the City of San Antonio. It is hereby found and declared that the San Antonio Express-News is a newspaper of general circulation within the City.

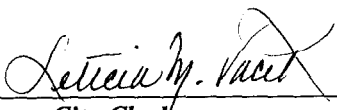
**SECTION 4. AMENDMENT TO ELECTION ORDINANCE.** Ordinance No. 99608, passed and approved by the City Council on August 19, 2004, is hereby amended to revise the language of the "Edwards Aquifer Protection Venue Project" proposition and ballot and add the "Parks Development and Expansion Venue Project" proposition to the ballot, all as indicated above. All other provisions of Ordinance No. 99608 not expressly amended hereby shall remain in full force and effect as of the day of its enactment.

**SECTION 5. INCORPORATION OF RECITALS.** The statements contained in recitals included in the preamble of this Ordinance are hereby found to be true and correct, and such recitals are hereby incorporated into, and made a part of, this Ordinance for all purposes and are adopted as part of the judgment and findings of the City Council.

**SECTION 6. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 7. EFFECTIVE DATE.** Pursuant to the City of San Antonio City Charter, this Ordinance shall take effect February 1, 2005, which is the tenth day following the passage of this Ordinance.

**PASSED AND APPROVED** this 21st day of January, 2005.

ATTEST:   
City Clerk

  
M A Y O R  
EDWARD D. GARZA

APPROVED AS TO FORM:   
City Attorney

# Agenda Voting Results

**Name:** 39.

**Date:** 01/21/05

**Time:** 01:36:09 AM

**Vote Type:** Multiple selection

**Description:** An Ordinance adding a proposition to the ballot for the special election to be held on May 7, 2005, in accordance with Chapter 334, Texas Local Government Code, as amended, and other applicable law, on the question of implementing and approving City Council Resolution no. 2004-29-25 which designates, and provides for the planning, acquisition, establishment, development, construction, or renovation of, and the method of financing for, the Parks Development and Expansion Venue Project, which includes the acquisition of open space and linear parks along Leon Creek, Salado Creek, Medina River and San Antonio River, and for improvements and additions to the Municipal Parks and Recreation System; providing for an effective date; and amending Ordinance No. 99608 in accordance herewith. [Presented by Christopher J. Brady, Assistant City Manager; J. Rolando Bono, Interim City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHRISTOPHER "CHIP" HAAS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		